

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
DOCKET NO. 5:17-cv-00195-MOC-DCK

**KIM MCCONNELL**  
**JAMES EDWARD MCCONNELL,**

Plaintiffs,

Vs.

**WATAUGA COUNTY SHERIFF'S**  
**DEPARTMENT;**  
**WATAUGA COUNTY**  
**DEPARTMENT OF SOCIAL SERVICES;**  
**WATAUGA COUNTY; THOMAS HUGHES;**  
**JASKA H. ROMINGER; JENNIFER SMITH;**  
**WESTERN SURETY COMPANY; JESSICA**  
**WINEBARGER; CHAD SLAGLE; AND**  
**LEN D. HAGAMAN,**

Defendants.

ORDER

**THIS MATTER** is before the Court on plaintiffs’ “Motion for Enlargement of the page Limit Under LCvR 7.1 and for an Enlargement of Time to Receive and Accept Plaintiffs’ Response to Defendants’ Motion for Summary Judgment.”

To the extent plaintiffs seek an enlargement of time to and including March 25, 2019, to file their Response and an enlargement of the page limit to 39 pages, such request will be allowed *nunc pro tunc*. Further, insofar as plaintiffs request that the Court withhold ruling on the Motion for Summary Judgment until the Court can address their Objections (#77) (styled an “appeal”) to Judge Keesler’s non-dispositive Order (#72) (denying, *inter alia*, their Motion to Compel Discovery (#43)), such appears to be a reasonable request in light of Rule 56(d), Federal Rules of Civil Procedure. While that stay will issue, the time for defendants’ filing of their Reply to the

above Response under Rule 7.1 will remain the same. If the Objections result in a different outcome than that reached by Judge Keesler, the Court can then address the impact of that decision on the pending Motion for Summary Judgment at that time.

Finally, while a time is not provided under Rule 72(a), the Court would like a Response to plaintiffs' Objections (#77), and that Response should be filed by defendants not later than April 19, 2019.

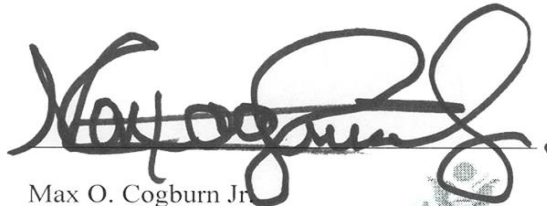
### **ORDER**

**IT IS, THEREFORE, ORDERED** that plaintiffs' Motion for Enlargement of the page Limit Under LCvR 7.1 and for an Enlargement of Time to Receive and Accept Plaintiffs' Response to Defendants' Motion for Summary Judgment (#79) is **GRANTED**, as follows:

- (1) the Court accepts and deems timely filed plaintiff's Response (#80);
- (2) the Court accepts and allows the additional pages of the Response that exceed the page limitation;
- (3) the defendants are allowed up to and inclusive of April 19, 2019, to file a Response to the Objections (#77), and inasmuch as the Response is to an Objection and not a Motion, no Reply is anticipated; and
- (3) the Court **STAYS** consideration of the Motion for Summary Judgment (#47) until such time as the Court resolves the Objections (#77). Defendants shall, however, file their Reply by April 1, 2019.

The parties are advised that if it determines that the Objections are to be overruled, the Court may resolve both the Objections and the Motion for Summary Judgment in the same decision.

Signed: March 26, 2019



Max O. Cogburn Jr.  
United States District Judge